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FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2015 JUL 8 PM 1 33
STEPHAN HARRIS, CLERK
CHEYENNE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

COTTONWOOD CREEK, INC.,

Defendant.

Civil Action

15-CV-108

NOTICE OF LODGING OF CONSENT DECREE

Plaintiff, the United States of America, hereby gives notice that it has filed a Complaint against Cottonwood Creek, Inc. ("Cottonwood") in the above-captioned matter and simultaneously lodged with this Court a proposed Consent Decree (attached hereto). The

Complaint alleges that Cottonwood violated Sections 301(a) and 311(b)(3) of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1311(a) and 1321(b)(3), as a result of a March 2010 discharge of approximately 162 barrels of oil into an unnamed tributary of the Nowood River from a leak in a pipeline at Cottonwood’s facility located in Big Horn County, Wyoming. The Complaint further alleges Cottonwood had an inadequate Spill Prevention Control and Countermeasure Plan in violation of CWA Section 311(b)(7)(C), 33 U.S.C. § 1321(b)(7)(C), and 40 C.F.R. Part 112, and also lacked a Facility Response Plan in violation of CWA Sections 311(j)(5)(A)(i) and (C)(iv), 33 U.S.C. §§ 1321(j)(5)(A)(i) and (C)(iv), and 40 C.F.R. Part 112.

If entered by the Court, the proposed Consent Decree will resolve all claims alleged in the United States’ Complaint.

In accordance with the policy of the United States Department of Justice and as provided in 28 C.F.R. § 50.7, following lodging with the Court, notice of the proposed Consent Decree will be published in the Federal Register. Publication in the Federal Register commences a thirty (30) day public comment period. The United States may ultimately withdraw or withhold its consent to the proposed Consent Decree if public comments disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, improper, or inadequate. After the conclusion of the thirty day comment period, the United States will either notify the Court of its withdrawal of the proposed Consent Decree or move this Court to sign and enter the proposed Consent Decree. Until the United States so notifies the Court, it respectfully requests that the Court take no action concerning the Complaint and the proposed Consent Decree which is lodged herewith.

Dated this 8th day of July, 2015.

Respectfully submitted,

/s/
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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2015, a copy of the **Civil Cover Page, Complaint, Notice of Lodging of Proposed Consent Decree, and proposed Consent Decree and Certificate of Mailing** has been served upon the following by the method(s) indicated below:

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☐ By Facsimile
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United States Attorney's Office